


U.S.A. vs VICTOR HUGO PLASCENCIA

No. 08CR1265-BEN

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
 commenced on 5/12/08 and ended on 8/4/08; ( )  
 and ended on . ( )

- |                      |   |    |
|----------------------|---|----|
| <u>3161(h)</u>       |   |    |
| <u>(1) (A)</u>       | Exam or hrg for mental or physical incapacity   | A  |
| <u>(1) (B)</u>       | NARA examination (28:2902)  | B  |
| <u>(1) (D)</u>       | State or Federal trials or other charges pending  | C  |
| <u>(1) (E)</u>       | Interlocutory appeals   | D  |
| <u>(1) (F)</u>       | Pretrial motions (from flg to hrg or other prompt dispo)  | E  |
| <u>(1) (G)</u>       | Transfers from other district (per FRCrP 20, 21 & 40)   | F  |
| <u>(1) (J)</u>       | Proceedings under advisement not to exceed thirty days  | G  |
| <u></u>              | Misc proc: Parole or prob rev, deportation, extradition   | H  |
| <u>(1) (H)</u>       | Transportation from another district or to/from examination<br>or hospitalization in ten days or less   | 6  |
| <u>(1) (I)</u>       | Consideration by Court of proposed plea agreement   | 7  |
| <u>(2)</u>           | Prosecution deferred by mutual agreement  | I  |
| <u>(3) (A) (B)</u>   | Unavailability of defendant or essential witness  | M  |
| <u>(4)</u>           | Period of mental or physical incompetence of defendant to<br>stand trial  | N  |
| <u>(5)</u>           | Period of NARA commitment or treatment  | O  |
| <u>(6)</u>           | Superseding indictment and/or new charges   | P  |
| <u>(7)</u>           | Defendant awaiting trial of co-defendant when no severance<br>has been granted  | R  |
| <u>(8) (A) (B)</u>   | Continuances granted per (h) (8) -use "T" alone if more than<br>one of the reasons below are given in support of continuance  | T  |
| <u>(8) (B) (I)</u>   | 1) Failure to grant a continuance in the proceeding<br>would result in a miscarriage of justice and<br>the ends of justice outweigh the best interest<br>of the public and the defendant in a speedy trial.<br>(Continuance - miscarriage of justice)                                 | T1 |
| <u>X</u>             | 2) Failure to grant a continuance of the trial would result in<br>a miscarriage of justice as the defendant has tendered a<br>guilty plea to a magistrate judge and is awaiting a<br>determination as to whether the plea will be accepted.<br>(Continuance - tendered a guilty plea) |    |
| <u>(8) (B) (ii)</u>  | 2) Case unusual or complex  | T2 |
| <u>(8) (B) (iii)</u> | 3) Indictment following arrest cannot be filed in thirty (30) days  | T3 |
| <u>(8) (B) (iv)</u>  | 4) Continuance granted in order to obtain or substitute counsel,<br>or give reasonable time to prepare<br>(Continuance re counsel)  | T4 |
| <u>3161(I)</u>       | Time up to withdrawal of guilty plea  | U  |
| <u>3161(b)</u>       | Grand jury indictment time extended thirty (30) more days   | W  |

Date 5/12/08

  
 Judge's Initials